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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STIPULATION

The United States, by and through Special Assistant United States Attorney Edward R. Fluet, and defendant Jose Magallon, by and through Assistant Federal Public Defender Cynthia C. Lie, hereby stipulate that, with the Court's approval, the status hearing currently set for October 31, 2013 at 9:00 a.m., shall be continued to December 5, 2013 at 9:00 a.m.

The reason for the requested continuance is that the government is in the process of compiling additional discovery and defense counsel will need additional time to review the discovery and consult with her client.

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**STIPULATION TO CONTINUE
13-CR-00562 DLJ**

The parties agree that the time between October 31, 2013, and December 5, 2013, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of counsel and effective preparation by government counsel.

IT IS SO STIPULATED.

Dated: October 24, 2013

/s/
EDWARD R. FLUET
Special Assistant United States Attorney

Dated: October 24, 2013

/s/
CYNTHIA C. LIE
Assistant Federal Public Defender

[] ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the status hearing shall be continued from October 31, 2013 at 9:00 a.m. to December 5, 2013 at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between October 31, 2013, and December 5, 2013, would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between October 31, 2013, and December 5, 2013, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between October 31, 2013, and December 5, 2013, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED

Dated: October 16, 2013

John S. Isaacs

THE HONORABLE D. LOWELL JENSEN
United States District Court Judge